

REMARKS

The non-final Office Action of April 23, 2010, ("the Office Action") has been carefully reviewed and the remarks that follow are responsive thereto. Claim 1 has been amended to be in more preferred form. No claims have been canceled or added. Claims 25-30 were previously canceled. No new matter has been introduced. Claims 1-24 and 31-44 thus remain pending. Reconsideration and allowance of the instant application are respectfully requested.

Objections to the Specification

The Specification stands objected to for allegedly failing to provide proper antecedent basis for the claimed subject matter. In particular, the Office Action asserts:

As per claim 31, it states "An apparatus comprising: an processor configured to: ...". According to the specification of the current application, it does not define or state "an processor", therefore lacking clear antecedent support for the claimed "processor". Therefore, appropriate correction is required.

Office Action at 2.

Applicant respectfully submits that one of ordinary skill in the art would appreciate that the various devices described in the originally filed Specification are computing devices that may include one or more processors. For example, the originally filed Specification states, at page 2, lines 13-17, that "[t]he gatekeeper is an H.323 entity which provides services like address translation and control access for network elements such as terminals and gateways. The media components are established using the H.245 signaling from end-to-end." In addition, the originally filed Specification explains, at page 7, lines 1-4, that "Fig. 1 shows an IP (Internet Protocol) network adopting H.323 signaling, which may communicate with an SN (Switched Circuit) Network like PSTN (Public Switched Telephone Network) to which mobile or fixed phones are connected." The originally filed Specification further states:

H.323 specifies multimedia conferencing over packet networks like the IP network. A call using H.323 signaling is the point-to-point multimedia communication between two H.323 end-points, either direct or via gatekeeper(s) and/or MCs (Multipoint Controllers). The media mix in a call can consist of audio, video and data streams. Audio communication has to be supported, video and data are optional. Media can be added dropped or replaced dynamically during a call.

Specification at page 7, lines 6-13. Moreover, the originally filed Specification explains:

In the IP network shown in Fig. 1, a gatekeeper (gatekeeper1 or gatekeeper2) connects to a terminal (A-term or B-term) via an RAS (Registration, Admission and Status) channel, a media proxy and another gatekeeper. The gatekeeper which is a H.323 entity of the IP network provides address translation and control access to the IP network for terminals, gateways and MCUs (Multipoint Control Units). The gatekeeper also provides other services to the terminals, gateways and MCUs such as bandwidth management and gateway location.

Specification at page 7, lines 18-26. Thus, based at least on these example passages of the original Specification, and further in view of the entire originally filed Specification as a whole, one of ordinary skill in the art would appreciate that the various devices described in the originally filed specification are computing devices that may include one or more processors at least because such devices implement various network protocols and signaling, provide various network services, and/or manipulate various data and/or data streams. Accordingly, the Specification provides proper antecedent basis for the claimed subject matter, and Applicant respectfully requests that the objection be withdrawn.

Claim Rejections Under 35 U.S.C. § 112

Claims 1, 13, and 31 stand rejected under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the written description requirement. In particular, the Office Action asserts:

The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

As per claims 1, 13, 31, it states “modification of terminal capability information of the control signaling message related to the separate media components”. Claim language states the modification of the terminal capability information is done to the control signaling message, but the specification of the current application on page 13 lines 5-20, it does not state modification of the terminal capability information is done [*sic*] the control signaling message. Although the specification does state “message Modification” it does not precisely/specifically recite “message modification to the control signaling message.” Furthermore, the specification states “...modify the terminal capability information elements to reflect the conversion capabilities available via the conversion loops....”. Therefore this

means modification of the terminal capabilities information of the elements/terminal NOT the control signaling message. Therefore appropriate correction is required.

Office Action at 3.

Applicant respectfully traverses this rejection. According to recent Federal Circuit precedent, “the hallmark of written description is disclosure.” *Ariad Pharmaceuticals Inc. v. Eli Lilly & Co.*, 94 USPQ2d 1161, 1172 (Fed. Cir. March 22, 2010). Thus, to test for compliance with the written description requirement, an objective inquiry should be made into the four corners of the specification from the perspective of a person of ordinary skill in the art. Based on that inquiry, it should be determined whether the specification describes an invention understandable to that skilled artisan and shows that the inventor actually invented the invention claimed. *Ariad* at 1172.

Taken as a whole, and viewed from the perspective of a person of ordinary skill in the art, the originally filed Specification of the instant application clearly satisfies the written description requirement as it was articulated in *Ariad*. Indeed, the originally filed Specification is ripe with examples of “modification of terminal capability information of the control signaling message related to the separate media components,” as recited in claims 1, 13, and 31.

For instance, the originally filed Specification states that “the invention enables the SCF to intercept logical channel descriptions from SIP methods like INVITE, to alter them and provide the modified description information to the gatekeeper.” Specification at page 11, lines 4-7. In addition, the originally filed Specification states:

The state model according to the present invention enables the SCF to intercept and alter H.245 signaling and connect the logical channels to different specialized resource functions (SRFs) separately.

Furthermore, the SCF is enabled to control the establishment and release of logical channels, reroute logical channels, allow the SCF to initiate logical channels to one end-point, etc.

The connection of the logical channels may involve the gatekeeper issuing commands to media proxy to redirect the logical channel flows to the different SRFs in case the logical channels are not routed via the gatekeeper itself.

The SRFs may perform various conferencing and encoding conversions for the logical channels which are connected to them. In order to be able to perform coding conversions, the SCF can command separate media components to a specific SRF loop

connection. In this loop connection the media component is returned downstream back to the media proxy after the conversion. This type of SRF connection can be identified using a specific INAP message or a ConnectToResource operation parameter.

Thus, the present invention enables the use of specific IN services for separate multimedia stream components. Examples for such services are the control of a conversion loop, message modification and control of charging.

The terminal capability negotiations occurring during the call set-up can be intercepted by the routing means to the control means to enable the control means to modify the terminal capability information elements to reflect for example the conversion capabilities available via the conversion loops for the separate media components. The modified terminal capability information elements can be returned by the control means to the routing means to be relayed further in the continued terminal capability negotiations.

Specification at page 12, line 16 to page 13, line 19 (emphasis added). Moreover, claim 4 originally recited a method in which informing control means about separate media components included sending a modified component control signaling message from call control means. See Specification at page 14, lines 25-31.

Thus, in considering the foregoing passages and the other portions of the originally filed Specification from the perspective of a person of ordinary skill in the art, it is apparent that the originally filed Specification describes “modification of terminal capability information of the control signaling message related to the separate media components,” as recited in claims 1, 13, and 31. For at least these reasons, Applicant respectfully submits that claims 1, 13, and 31 satisfy the written description requirement of 35 U.S.C. § 112, first paragraph, and respectfully requests that the rejection be withdrawn.

Claim Rejections Under 35 U.S.C. § 103

Claims 1-4, 7-9, 13-16, 19-21, 31-36, and 40-44 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,693,874 to Shaffer et al. (“Shaffer”) in view of U.S. Patent No. 6,731,609 to Hirni et al. (“Hirni”) and further in view of U.S. Patent No. 6,449,260 to Sassin et al. (“Sassin”). Claims 5-6, 10-12, 17-18, 22-24, and 37-39 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Shaffer in view of Hirni further in view of Sassin further in

view of U.S. Patent No. 6,584,093 to Salama et al. ("Salama"). For the reasons set forth below, Applicant respectfully traverses these rejections.

Amended independent claim 1 recites a method comprising, *inter alia*:

applying, at the router, a connection control issued by the service control point to the separate media components, wherein the connection control enables:

modification of terminal capability information of the control signaling message related to the separate media components, and
separate relaying of the component specific control signaling message to a respective one of the separate media components.

(Emphasis added.) Applicant respectfully submits that Shaffer, Hirni, and Sassin, whether applied alone or in combination, fail to teach or suggest such features.

Indeed, the Office Action concedes, at page 7, that Shaffer "does not teach modification of terminal capability information of the control signaling message." The Office Action asserts, however, that Sassin discloses "modification of terminal capability information of the control signaling message (column 5 lines 38-54)(column 6 lines 37-47) related to separate media components (column 5 lines 55-62)(column 6 lines 20-36)." Office Action at 7.

In pertinent part, however, Sassin states:

Opening the H.225 signaling channel between the gateway 80 and the music/video server 56 via the gatekeeper 82, alerts the music/video server 56 at a step 112. The music/video server reacts at a step 113 by sending back a connect message containing the transport address of the H.245 channel. The H.245 channel is then established at a step 114 followed by a terminal capability exchange master/slave determination and the opening of a logical transmit channel by the music/video server to the gateway for the payload at a step 115. The music/video server 56 declines the incoming request from the gateway 80 to open a payload channel from the gateway to the music/video server direction. This results in a one way connection that can be used to deliver a combination of music/video and recorded announcements to the caller connected to the gateway. This connection is maintained until either the customer's phone goes on hook or a call center agent becomes available.

When a call center agent becomes available, the CTI component of the native API of the agent terminal sends a message at a step 116 to the CTI gateway with which it is registered. This message indicates that the agent is now available. The CTI gateway receives this message and sends an analogous message via the CTI interface to the ACD server at a step 117.

Sassin at column 5, lines 38-61 (emphasis added). In addition, Sassin states:

Similar to the actions taken at step 108, the gateway closes the H.225/H.245 channels and the payload channel between the gateway and the music/video server at a step 122. As shown in FIG. 4, the gateway opens the H.225 channels to the free agent's terminal in steps 123-125 in a manner that is similar to steps 109-111. This causes the agent terminal application to alert the agent that a call is coming in at a step 126. After the agent indicates that he or she is able to answer the call, the client application triggers the client stack to send a connect message at a step 127 followed by a channel establishment, terminal capability exchange and master/slave determination at a step 128. At a step 129, the payload channels between the ACD client and the gateway are open using regular H.245 open logical channel procedures (unidirectional channels in both directions). Now the customer and agent can start a conversation.

After the call was active with logic channels being established, the CTI component of the agent terminals native API delivers a message to the CTI gateway at a step 130. The message indicates that the agent's state has changed from available to busy. The CTI gateway receives the agent busy message and sends an analogous message via the CTI interface to the ACD server at a step 131. At a step 132, the ACD server changes the state information to reflect the fact that the agent is now busy. Furthermore, the ACD server updates the reference information for this call that is kept in the queue. The queue entry will reflect the waiting time at the music/video server and the fact that the customer is now talking with an agent.

Sassin at column 6, lines 20-49 (emphasis added).

While Sassin thus describes a terminal capability exchange associated with the establishing of an H.245 channel and a message that indicates whether a call center agent is available or busy, Sassin lacks any teaching or suggestion of “applying, at the router, a connection control issued by the service control point to the separate media components, wherein the connection control enables: modification of terminal capability information of the control signaling message related to the separate media components,” as recited in claim 1. In other words, Sassin, at best, describes modifying information representing a terminal *user's* capabilities (i.e., modifying information indicating whether an agent who is using a terminal is available or busy). But Sassin is completely devoid of modification of *terminal* capability information. Moreover, neither Hirni nor Salama cures the deficiencies of Sassin. Therefore, even assuming, without conceding, that Shaffer, Hirni,

Salama, and Sassin are properly combinable, no combination thereof would have resulted in the features recited in claim 1.

For at least these reasons, independent claim 1 is allowable. In addition, independent claims 13 and 31 recite similar features as those recited in claim 1. Thus, claims 13 and 31 are allowable for substantially the same reasons as claim 1.

Claims 2-12, 14-24, and 32-44 ultimately depend from one of independent claims 1, 13, and 31, and therefore are allowable by virtue of their dependence and further in view of the various features recited therein.

CONCLUSION

All issues having been addressed, Applicant respectfully submits that the instant application is in condition for allowance, and respectfully solicits prompt notification of the same. However, if for any reason the Examiner believes the application is not in condition for allowance or if there are any questions, the Examiner is invited to contact the undersigned at (202) 824-3161.

Respectfully submitted,
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